

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

XIAORONG LAN,

Plaintiff,

VS.

UNIVERSITY OF TEXAS AT SAN ANTONIO, DR. JUAN MANUEL SANCHEZ, ASSOCIATE DEAN, CARLOS ALVAREZ COLLEGE OF BUSINESS; AND DR. HARRISON LIU, PHD ADVISOR, CARLOS ALVAREZ COLLEGE OF BUSINESS,

Defendants.

SA-22-CV-00769-FB

ORDER

Before the Court in the above-styled cause of action is Defendant the University of Texas at San Antonio's Motion to Dismiss Plaintiff's Fourth Amended Complaint [#59] and Defendant the University of Texas at San Antonio's Motion to Strike Plaintiff's Second Response in Opposition to Defendant's Motion to Dismiss [#63]. The undersigned will dismiss Defendant's motions as moot.

Defendant’s motion to dismiss asks the Court to dismiss Plaintiff’s remaining claims asserted in her Fourth Amended Complaint—claims of national-origin discrimination and retaliation under Title VI and Title VII of the Civil Rights Act of 1964. In doing so, Defendant re-urges numerous arguments raised in a previous motion to dismiss and rejected by the District Court. Additionally, since the filing of Defendant’s new motion to dismiss, the parties have filed several additional dispositive motions—a motion for partial summary judgment by Plaintiff [67] and cross motions for summary judgment by Plaintiff and UTSA [83, 84]. These

motions also raise the same arguments addressed in Defendant's motion to dismiss but are supported by evidence. Therefore, rather than address the pending motion to dismiss on its merits, the Court will dismiss the motion as moot due to the filing of the cross-motions for summary judgment and the District Court's order rejecting Defendant's arguments for dismissal under Rule 12(b)(6) raised in a previous motion.

The Court also notes that the District Court's recent orders adopting the undersigned's two reports and recommendations had the effect of dismissing the individual Defendants, Dr. Sanchez and Dr. Liu, from this case. The Court will therefore also direct the Clerk to terminate these Defendants.

IT IS HEREBY ORDERED that Defendant the University of Texas at San Antonio's Motion to Dismiss Plaintiff's Fourth Amended Complaint [#59] and Defendant the University of Texas at San Antonio's Motion to Strike Plaintiff's Second Response in Opposition to Defendant's Motion to Dismiss [#63] are **DISMISSED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk **TERMINATE** Dr. Sanchez and Dr. Liu as Defendants in this case.

SIGNED this 17th day of November, 2023.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE